

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**ROMEO COSCIA**

Plaintiff,

v.

**SALVATORE CAPONE**

Defendant.

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CIVIL ACTION

NO. 02-3655 (JRP)

**PLAINTIFF'S PRE-TRIAL MEMORANDUM**

Plaintiff, Romeo Coscia, through counsel, respectfully submits this Pre-Trial Memorandum.

**I. Brief Statement of the Action and the Basis for Jurisdiction**

This is a collection case. Jurisdiction is pursuant to 28 U.S.C. § 1332 insofar as the parties are residents of different states and the amount in controversy exceeds \$75,000.

**II. Brief Statement of Facts**

In or around February 1999, Mr. Coscia loaned Mr. Capone the sum of \$140,000. The funds were delivered to Mr. Capone as follows: \$120,000 in cash at Mr. Coscia's residence in Chester Springs, Pennsylvania and \$20,000 in Italy. Mr. Capone has refused to repay this loan.

**III. Itemization of Plaintiff's Damages**

Mr. Coscia is owed the principal sum of \$140,000 plus interest at the rate of 6% from March 1, 1999 until present. Interest for the four years and eight months from March 1, 1999 until the date of trial, November 3, 2003, is equal to \$39,200 bringing Mr. Coscia's total damages to \$179,200.

**IV. Itemization of Plaintiff's Damages**

Mr. Romeo Coscia (Liability & Damages)  
1464 Hark-Away Road  
Chester Springs, PA 19425

Mr. Coscia will testify regarding when and how he made the loan to Mr. Capone and the fact that it has not been repaid.

Mr. Salvatore Capone (Liability & Damages)  
c/o Francis Recchuiti, Esquire  
Vangrossi & Recchuiti  
319 Swede Street, Second Floor  
Norristown, PA 19401

If Mr. Coscia calls Mr. Salvatore Capone as on cross examination, questioning will involve Mr. Capone's receipt of the funds from Mr. Coscia and how Mr. Capone used the funds received from Mr. Coscia..

Ms. Linda Capone (Liability & Damages)  
c/o Francis Recchuiti, Esquire  
Vangrossi & Recchuiti  
319 Swede Street, Second Floor  
Norristown, PA 19401

If Mr. Coscia calls Ms. Linda Capone as on cross examination, questioning will involve Mr. Capone's receipt of the funds from Mr. Coscia.

Mr. Giuseppe Capone (Liability & Damages)  
Via Don Minzoni, 60  
Montella 83048  
ITALIA

If Mr. Coscia calls Mr. Giuseppe Capone, questioning will involve to what use Mr. Salvatore Capone put the funds received from Mr. Coscia.

Mr. Robert Urquhart (Liability)  
1185 Wembley Drive  
Wayne, PA 19087

Mr. Urquhart may testify regarding the source of the funds lent by Mr. Coscia to Mr. Capone and to what use Mr. Salvatore Capone put the funds received from Mr. Coscia.

Mrs. Mary Urquhart (Liability)  
1185 Wembley Drive  
Wayne, PA 19087

Mrs. Urquhart may testify regarding the source of the funds lent by Mr. Coscia to Mr. Capone and to what use Mr. Salvatore Capone put the funds received from Mr. Coscia.

Mr. Gene Richards  
2320 Horseshoe Trail  
Chester Springs, PA 19425

Mr. Richards may testify regarding information he has regarding how and when the loan was made to Mr. Capone and to what use Mr. Salvatore Capone put the funds received from Mr. Coscia.

George L. Kreeger  
49 E. Howard Street  
Girard, OH 44420

Mr. Kreeger may testify regarding conversations he had with Salvatore Capone wherein Mr. Capone discussed the subject loan received from Mr. Coscia.

**V. Plaintiff's Exhibits**

No.	Description	Admitted (Y/N)
1	Copies of US Airways ticket number 0377614285766 used on flight 2 from Philadelphia to Rome on February 1, 1999 and on flight 3 from Rome to Philadelphia on February 15, 1999	
2	Letters Rogatory and Documents Received in Response to Letters Rogatory	
3	Portions of Richards' Notes (See D1 and D2 Arbitration Exhibits)	

4	Arbitration Transcript	
5	Deposition of Salvatore Capone	
6	Deposition of Robert Urquhart	
7	Deposition of Mary Urquhart	
8	Plaintiff's Request for Production of Documents	
9	Salvatore Capone's Response to Plaintiff's Request for Production	
10	Each Exhibit Listed by Mr. Capone	

**VI. Estimate of the Number Days Required for Trial**

Two

**VII. Special Comments Regarding Legal Issues, Stipulations, Amendments of Pleadings or Other Appropriate Matters**

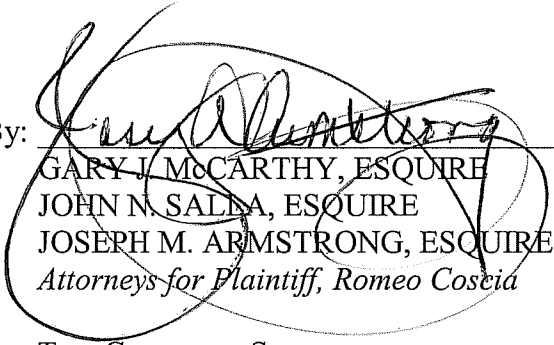
On or about June 24, 2003, The Honorable John R. Padova of this Court issued Letters Rogatory to a Court in Italy. The documents requested by the Letters Rogatory are sought by Plaintiff. These documents may be presented in Plaintiff's case in chief. To date, no response to these Letters Rogatory has been received.

Respectfully submitted,

**EIZEN FINEBURG & McCARTHY, P.C.**

Date: October 21, 2003

By:

  
 GARY J. McCARTHY, ESQUIRE  
 JOHN N. SALIA, ESQUIRE  
 JOSEPH M. ARMSTRONG, ESQUIRE  
*Attorneys for Plaintiff, Romeo Coscia*

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 Philadelphia, PA 19103  
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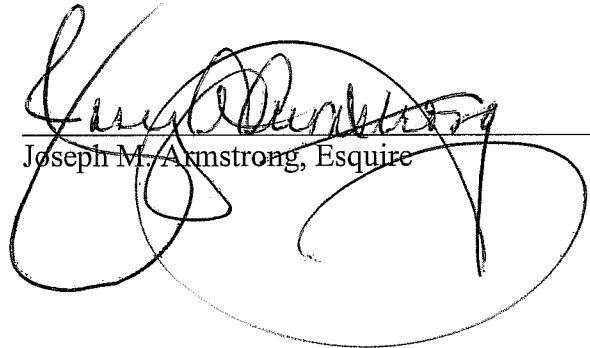
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**CERTIFICATE OF SERVICE**

I, Joseph M. Armstrong, Esquire, hereby certify that on the date set forth below, I served on defense counsel via First Class Mail a true and correct copy of the foregoing Plaintiff's Pre-Trial Memorandum.

Date: October 21, 2003

  
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Joseph M. Armstrong, Esquire